

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TALMADGE TIPPETT and PHYLLIS	:	CIVIL ACTION
TIPPETT	:	
	:	No. 14-4710
v.	:	
	:	
AMERIPRISE INSURANCE	:	
COMPANY, et al	:	

ORDER

AND NOW, this 25th day of March, 2015, upon consideration of Defendants Ameriprise Insurance Company, IDS Property Casualty Insurance Company, and All American Adjuster's motions to dismiss and Plaintiffs Talmadge Tippett and Phyllis Tippett's response thereto, and for the reasons set forth in the accompanying memorandum, it is ORDERED Defendants' motions to dismiss (Documents 5, 7) are GRANTED in part and DENIED in part as follows:

- Counts III (Third-party beneficiary), IV (Negligence), V (Unfair Insurance Practices Act), and VIII (Punitive Damages) are DISMISSED with prejudice.
- Count VI (Uniform Trade Practices Consumer Protection Law) is DISMISSED without prejudice.
- Count VII (Fraud) is DISMISSED with prejudice as to Defendants Ameriprise and IDS and DISMISSED without prejudice as to Defendant All American.

It is further ORDERED Defendants Ameriprise and IDS's motion to strike contained within their motion to dismiss (Document 5) is GRANTED in part and DENIED in part as follows:

- Defendants' motion to strike the Tippetts' claim for attorney's fees, costs, and expenses; the Tippetts' claim for delay damages; and the Tippetts' allegations of negligence, careless, reckless, wanton, willful, and outrageous conduct from Count I is GRANTED.
- Defendants' motion to strike the reference to fiduciary duty from Count I is DENIED.

- Defendants' motion to strike the Tippetts' claim for compensatory and consequential damages from Count II is GRANTED.

It is further ORDERED:

- Plaintiffs' request for leave to amend the Complaint to allege punitive damages with their remaining substantive claims is GRANTED.
- A status conference shall be held in the above-captioned matter on April 6, 2015, at 1:30 p.m. in Courtroom 11A.

BY THE COURT:

/s/ Juan R. Sánchez

Juan R. Sánchez, J.